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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*Epic Games, Inc. v. Google LLC et al.*,  
Case No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust  
Litigation*, Case No. 3:20-cv-05761-JD

*State of Utah et al. v. Google LLC et al.*,  
Case No. 3:21-cv-05227-JD

*Match Group, LLC et al. v. Google LLC et al.*,  
Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DECLARATION OF MICHAEL J. ZAKEN  
IN SUPPORT OF PLAINTIFFS'  
RESPONSE TO GOOGLE'S BRIEF IN  
RESPONSE TO THE COURT'S MINUTE  
ORDER QUESTIONS REGARDING  
PRESERVATION OF CHAT MESSAGES**

Date: January 31, 2023 at 1:30 p.m.

Courtroom: 11, 19<sup>th</sup> Floor

Judge: Hon. James Donato

1 I, Michael J. Zaken, declare as follows:

2 1. I am a Partner at Cravath, Swaine & Moore LLP, counsel to Epic Games, Inc. (“Epic”)  
3 in the above-captioned actions. I am admitted to appear before this Court *pro hac vice*.

4 2. I have personal, first-hand knowledge of the facts set forth in this Declaration. If called  
5 as a witness, I could and would competently testify to these facts under oath.

6 3. Attached hereto as **Exhibit 1** is a true and correct copy of Google’s Responses and  
7 Objections to Plaintiffs Document Preservation Interrogatories, dated January 14, 2022.

8 4. Attached hereto as **Exhibit 2** is a true and correct copy of a Civil Investigative Demand  
9 issued by the United States Department of Justice to Alphabet, Inc. dated October 7, 2019.

10 5. Attached hereto as **Exhibit 3** is a true and correct copy of the document produced by  
11 Google in this litigation bearing Bates range GOOG-PLAY4-007020192-206.

12 6. Attached hereto as **Exhibit 4** is a true and correct copy of the document produced by  
13 Google in this litigation bearing Bates number GOOG-PLAY-010028199.

14 7. Attached hereto as **Exhibit 5** is a true and correct copy of the document produced by  
15 Google in this litigation bearing Bates range GOOG-PLAY-011126651-652.

16 8. Attached hereto as **Exhibit 6** is a true and correct copy of the document produced by  
17 Google in this litigation bearing Bates range GOOG-PLAY-006355148-149.

18 9. Attached hereto as **Exhibit 7** is a true and correct copy of the document produced by  
19 Google in this litigation bearing Bates range GOOG-PLAY-005428116-117.

20 10. Attached hereto as **Exhibit 8** is a true and correct copy of the document produced by  
21 Google in this litigation bearing Bates range GOOG-PLAY-007213451-458.

22 11. Attached hereto as **Exhibit 9** is a true and correct copy of an excerpt from the transcript  
23 of the May 12, 2022 deposition of Paul Bankhead in this matter.

24 12. Attached hereto as **Exhibit 10** is a true and correct copy of an excerpt from the  
25 transcript of the August 31, 2022 deposition of Purnima Kochikar in this matter.

26 13. Attached hereto as **Exhibit 11** is a true and correct copy of an excerpt from the  
27 transcript of the February 3, 2022 deposition of James Kolotouros in this matter.  
28

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and  
2 correct and that I executed this declaration on January 27, 2023 in New York, NY.

3  
4 /s/ Michael J. Zaken  
Michael J. Zaken